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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,515	10/26/2001	Donald H. Lindsey III	82520DAN	8321

7590 06/04/2003
Milton S. Sales
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343 State Street
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EXAMINER

HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8c

Office Action Summary	Application No.	Applicant(s)	
	10/016,515	LINDSEY ET AL.	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 12-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-11 and 44, in Paper No. 6 is acknowledged.
2. Claims 12-43 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 8-10 and 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, line 1: "said digital product" lacks proper antecedent basis when the digital products are not considered in claim 2 because of the phrase "at least one of...and..."

Claim 8 appears to be incomplete for lacking the steps of printing prints from a negative, cutting and banding the prints to form the cut and banded prints.

Claim 9, line 3 & claim 10, line 4: "one of a floppy disk or a photo CD" renders the claim indefinite because it is unclear whether or not the photo CD is included with the floppy disk.

Claim 44, lines 7-8: "said first conveyor" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Beggiao (US 6,499,892).

Beggiao discloses a method for assembling a photofinishing customer order including the steps of: associating a customer order identification with the customer order using a pallet (510) (column 13, line 64-column 14, line 2); automatically dispensing a first component (cut prints) onto a first conveyor of the cutter (640) to form an order group based on the processing information of the customer order; conveying the order group to a second conveyor (500) and depositing the group of prints onto the pallet (510) on the second conveyor (500) (column 14, lines 5-10); automatically dispensing an additional item such as CDs, advertisement materials, index prints, etc. from a dispenser (645) onto the pallet (510) on the second conveyor (500) (column 15, lines 9-11) to create an assembled product group; and inserting the assembled product group on the pallet into an envelope for shipping to a photo shop or to the customer.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beggiao (US 6,499,892) in view of Van de Ven et al. (US 5,414,974).

Beggiao discloses a method for assembling a photofinishing customer order including the steps of: associating a customer order identification with the customer order using a pallet (510) (column 13, line 64-column 14, line 2); automatically dispensing a first type of component from a respective dispensing device such as wallet from the wallet feeder (610, 620), negative film web from the film processor (630), cut prints from the print cutter (640), etc. onto a first conveyor of the respective dispensing device to form an order group based on the processing information of the customer order; conveying the order group to a second conveyor (500) and depositing the order group onto the pallet (510) on the second conveyor (500); automatically dispensing a second type of component from a respective dispensing device such as such as wallet from the wallet feeder (610, 620), negative film web from the film processor (630), cut prints from the print cutter (640), and/or CDs, advertisement materials, index prints, etc. from a dispenser (645) onto the pallet (510) on the second conveyor (500) (column 15, lines 9-11) to create an assembled product group; and packaging the assembled product group on the pallet (column 14, line 13-16). The method of Beggiao meets all of applicant's claimed subject matter but lacks the specific teaching of shrink wrapping the assembled product group.

However, Van de Ven discloses a method of for assembling printed documents wherein the assembled documents are shrink wrapped through a heat tunnel (30) in order to maintain the documents in an integral bundle or package.

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Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the method of Beggiao by having provided a step of shrink wrapping through a heat tunnel as the packaging step, as taught by Van de Ven, in order to maintain the assembled product group in an integral bundle prior to shipping to a photo shop or to the customer.

With respect to claim 7, Beggiao discloses an embodiment of Figure 4 wherein a plurality of the first type of component such as wallet, negative film web, cut prints, etc. being dispensed at different points along a first conveyor (550).

With respect to claims 8-10, Beggiao discloses an embodiment of Figure 4 wherein a plurality of the first type of component such as wallet, negative film web including APS negative package since APS is widely used at the time of the invention, cut prints, etc. being dispensed onto a first conveyor (550) but does not disclose the exact order of the dispensed items; however, the order in which the first type of component are dispensed is obvious to an ordinary skilled person in the art as a matter of engineering choice since it does not solve any stated problem insofar as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied prior art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694.


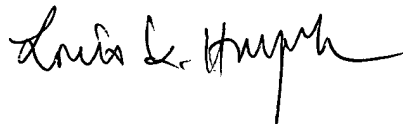
The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Louis K. Huynh
Patent Examiner
Art Unit 3721



LH
May 29, 2003